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OFFICE OF PETITIONS

In re Application of :
Steven E. Parker :
Application No. 09/904,289 :
Filed: July 12, 2001 :
Attorney Docket No. L3BB:003 :
:

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed on January 9, 2006, to revive the above-identified application.

The application became abandoned for failure to respond to the non-final Office action mailed June 30, 2005, which set a shortened statutory period for reply of three (3) months. Since no extensions of time under the provisions of 37 CFR 1.136(a) was obtained, the above application became abandoned after midnight on September 30, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of \$1,500; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Office also acknowledges receipt of one (1) sheet of drawings containing Figure 7 and \$1,020 for a three (3) months extension of time, filed on January 9, 2006. However, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r. Pats. 1988). Accordingly, since the \$1,020 extension of time was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

This application file is being referred to Technology Center Art Unit 2613, for review of the amendment filed with the instant petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions